

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

LAVITA DAUGHRITY,

PLAINTIFF

Vs.

No. _____
JURY DEMANDED

JOHN DOE AND
ALLSTATE INDEMNITY COMPANY,

DEFENDANTS

NOTICE FOR REMOVAL OF CIVIL ACTION

TO THE HONORABLE JUDGES OF THE U. S. DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE:

COMES NOW Allstate Indemnity Company, by its undersigned attorneys, and
respectfully shows this Court as follows:

1. Petitioner is a defendant in the above and entitled action.
2. On December 7, 2009, Plaintiff, Lavita Daughrity, commenced the above entitled action against the Petitioner, Allstate Idemnity Company and John Doe in the Circuit Court of Shelby County, Tennessee under cause number CT-005672-09. Attached hereto as Exhibit A is a copy of the Complaint, Certificate of Service, and Service of Process.
3. There have been no proceedings since the filing of the Complaint.
4. The amount in controversy in the above entitled action, exclusive of interest and cost, exceeds \$75,000.00. At the time of the commencement of this

action, and at the time of the filing of this Petition, Plaintiffs allege that they are citizens of the State of Tennessee, residing in Shelby County.

5. At the time of commencement of this action and the filing of this Petition, Petitioner, Allstate Indemnity Company, is a corporation, duly incorporated and authorized to do business in the State of Delaware and has its principal place of business in Northbrook, Illinois.
6. The above entitled action is a civil action for insurance proceeds, bad faith and breach of the Tennessee Consumer Protection Act brought by Lavita Daugherty against Allstate Indemnity Company. This claim is a result of fires, which occurred on or about May 1, 2008 and May 10, 2008 at 4002 Hitchcock Drive, Memphis, Shelby County, Tennessee, as more fully appears in the Complaint attached hereto.
7. This Court has original jurisdiction of the above entitled action pursuant to 28 U.S.C. §1332 since diversity of citizenship exists between the parties, and since Petitioner, Allstate Property and Casualty Insurance Company, is not a citizen or a resident of the State of Tennessee, wherein the above entitled action is pending, removal of this action to this Court is proper pursuant to 28 U.S.C. §1441 (a), (b).
8. This petition is filed with this court within thirty (30) days after receipt of the summons and Complaint filed by the Plaintiff. Allstate was served through C.T. Corporation by Tennessee Insurance Commissioner, certified mail on December 28, 2009, postmarked December 23, 2009.

WHEREFORE, PETITIONER PRAYS, that the above entitled action be removed

from the Circuit Court of Shelby County, Tennessee to this Court and that Allstate be afforded a trial by jury.

Respectfully submitted,

HOLLEY, WALDROP, NEARN & LAZAROV, P.C.

/s/ David M. Waldrop
David M. Waldrop #13079
Attorney for Allstate Insurance Company
9032 Stone Walk Place
Germantown, Tennessee 38138
(901) 759-3489

CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing has been served upon Darrell J. O'Neal, Esq., and Jerome Payne, Esq., 2129 Winchester Road, Memphis, TN 38116 by placing a copy of same in the U.S. Mail, postage prepaid, this the 6th day of January, 2010.

/s/ David M. Waldrop
David M. Waldrop